

December 1, 2007

Brian Baird  
Assistant Secretary for Ocean and Coastal Policy  
California Resources Agency  
1416 9<sup>th</sup> Street, Suite 1311  
Sacramento, California 95814

Dear Assistant Secretary Baird,

The purpose of this letter is to express The Nature Conservancy's support for the West Coast Governors' Agreement on Ocean Health and provide recommendations for needed improvements in the Governors' Draft Action Plan.

The Conservancy applauds the Draft Action Plan and the regional approach the governors have taken to protect and manage marine resources throughout the West Coast. We believe the Plan provides a framework through which the three states can regionally identify strategies that will result in tangible and achievable near-term advancements in biodiversity conservation. In general, we urge you to strengthen the Action Plan by providing additional "outcome" objectives that have tangible and measurable conservation results in addition to the many good "process" activities currently identified in the Action Plan. We stand ready to assist you in achieving these goals.

The Nature Conservancy is an international, non-profit organization dedicated to the conservation of biological diversity. Our on-the-ground conservation work is carried out in all 50 states and more than 30 foreign countries and is supported by approximately one million individual members. The Conservancy has active marine programs in Washington, Oregon, Alaska, and California and have laid ambitious regional goals for marine conservation that are achievable with partnerships across public and private sectors.

To help meet these goals, The Conservancy relies on science and regional-scale ecological assessments of priorities and threats, as well as strong processes for conservation action planning. We have already completed marine ecoregional assessments for Northern and Southern California, Puget Sound, and the nearshore of Oregon and Washington that identify threats, target species and habitats, and strategies for conservation.

The scientific assessments provide a sound platform for successful stakeholder planning processes and collaboration with partners from government, nongovernmental organizations (NGOs) and industry to develop realistic and meaningful objectives and solutions that result in better management practices and more effective conservation. We would be pleased to share our work with you to assist in your plans for collaborative, regional approaches to improving coastal and ocean health, conserving biodiversity, and supporting long-range coastal and ocean use planning.

With respect to the Draft Action Plan, we recognize and appreciate the Governors' inclusion of many priorities and strategies embraced by The Conservancy. We strongly support your plan to develop integrated ecosystem assessments, specify indicators of ocean and coastal health, and develop regional, state, and local ecosystem-based conservation and management plans. In particular, we commend your specific inclusion of climate change considerations in these efforts, including development of coastal vulnerability and impact assessments and mitigation and adaptation strategies for coastal areas.

We encourage you to utilize these scientific assessment and planning tools to establish more specific outcome-oriented goals and strategies at the state and regional level than are currently outlined in the Draft Plan. Such guidance will be needed for state and local governments to effectively tackle the important, and increasingly interlinked, issues across the region. These include siting of offshore and nearshore projects, reducing land- and vessel-based sources of ocean pollution, planning for coastal growth and sea level rise, managing and conserving living marine resources, and sustaining coastal economies.

These new and important state and regional efforts will require federal and nongovernmental partnerships, as well as fiscal resources over and above those already available to the states and the federal government. We are pleased to support your call for a national Ocean Trust Fund to provide the resources necessary to move these priorities forward. We encourage you to explore ways to ensure the funding is dedicated to new and additional activities, so as to provide a net increase over existing support levels.

Our specific comments on these and other components of the Draft Action Plan are listed below:

#### **Sustained National Support**

We support this recommendation and suggest that such an Ocean Trust Fund be structured so as to focus on new or expanded activities, and thus increase the likelihood that funds provided through such a mechanism will be used to support state or federal ocean and coastal programs and projects above existing levels.

#### **Preparing for the Effects of Climate Change**

We support this recommendation. However, the Action Plan does not clearly indicate whether nongovernmental entities would be included in such planning exercises. We recommend that the Action Plan specifically include nongovernmental entities with science and planning expertise in efforts to define shoreline changes and other impacts to coastal areas and resources due to climate change and increased storm events. We also recommend the three states align their methodologies and tools to facilitate information exchange across the region that will be needed for a west coast-wide assessment. The California program would be pleased to provide assistance in designing such assessments using the data and methodologies we have employed in both our terrestrial and marine assessments.

## **Priority 1: Clean Coastal Waters and Beaches**

Overall we support the actions recommended under this priority but urge the states to establish clear, measurable goals and performance standards for reducing the pressing coastal water quality problems surrounding non-point source pollution and stopping the introduction of invasive species.

In addition, we want to draw your attention to the Coastal Zone Management Act, which not only provides states with authorities relevant to controlling polluted runoff, but also provides the states with existing authorities to accomplish a number of the other actions outlined in this plan, such as ocean use planning, climate change adaptation, and science-based decisionmaking. The governors may want to consider using the pending reauthorization of the CZMA as an opportunity to showcase your regional initiatives and develop new authorities and funding for regional collaboration.

*Action 1.1: Polluted Runoff.* We support this recommendation to adequately fund programs to control polluted runoff, and also suggest listing other programs relevant to managing or mitigating polluted runoff, including: CZMA coastal enhancement grants, land acquisition programs such as NOAA's Coastal and Estuarine Land Conservation Program, and programs to reduce agricultural erosion and runoff administered by the U.S. Department of Agriculture.

In addition, we suggest adding more targeted water quality goals and supporting a more diverse set of nonpoint source reduction tools, beyond enforcement and monitoring of existing regulations. These include management of freshwater flows to estuaries, restoration and enhancement of coastal habitats, and management of agricultural lands.

*Action 1.2. Make LID a Priority for the West Coast.* We support this recommendation. Coastal areas that are just now starting to feel the effects of urbanization are the most likely to benefit from LID approaches.

*Action 1.3: Harmful Algal Blooms and Hypoxia.* We support this recommendation, particularly its plan to evaluate the relationship between climate changes and HAB/hypoxic events, and long-term effects on distribution and health of living marine resources, including shellfish, seabirds, and marine mammals. However, we encourage you to ensure the research will also attempt to pinpoint other drivers of HAB/hypoxic events on the west coast in order to develop mitigation strategies, as well.

*Action 1.4: Marine Debris.* We support this recommendation and encourage specific inclusion of marine debris projects into the habitat restoration and ecosystem-based planning efforts. There will also be a need to employ fishermen and other industry experts to help identify sources of marine debris so as to guide prevention efforts on land and at sea. Debris location and source identification could be included in regional and cooperative fishery research programs, as well as mapping programs, and should be also be coordinated with NOAA, which maintains a clearinghouse of this information pursuant to the Marine Debris Research, Prevention and Reduction Act.

*Action 1.5: Maritime Shipping Emission Controls.* We support this recommendation. If the governors support stricter state controls that exceed minimum IMO standards, they may want to make this explicit.

## **Priority 2 – Protect and Restore Ocean and Coastal Habitats**

The Conservancy is strongly supportive of the Governors' interest in protecting and conserving coastal and marine habitat, although we are concerned that the Draft Action Plan does not establish many specific near-term habitat goals, aside from the Plan's restoration goal, which is indeed laudable. While the Action Plan proposes to initiate a regional effort to identify key habitats that are vulnerable and in need of protection and restoration, it is unclear what the next steps would be. However, under Priority 3, the Action Plan does name some very specific estuarine and coastal areas that will be the focus of increased collaboration in developing ecosystem based management strategies in all three states. In California, this includes Humboldt Bay, Elkhorn Slough, Morro Bay, and Ventura. The Action Plan thus offers a unique opportunity to establish goals for habitat improvement at these particular sites that could be achieved in the nearer term, in cooperation with federal, local, industry, and NGO partners.

We encourage you to take this opportunity to establish a collaborative process to identify key habitats in these sites that could benefit from additional or innovative coastal habitat conservation in the nearer term. The Nature Conservancy is working in all these areas of California and would be pleased to offer our assistance.

*Action 2.1: Map Ecological Communities & Characterize Existing Human Uses.* We strongly support this recommendation and offer our assistance with design and development of assessments, including GIS technology, habitat identification, threat characterization, mapping of existing human uses and priority setting for conservation and compatible future uses.

*Action 2.2: Restore Estuarine Habitats for 10% Net Increase in 10 Years.* We strongly support this very specific action item. We particularly appreciate restoration of coastal wetlands as a critical step, and your concrete, outcome-oriented goal for increasing estuarine habitat. We believe it would be fruitful and efficient to guide this restoration effort through the use of a regional characterization of west coast estuaries, which we are in the process of planning. We would be pleased to work with you in this effort.

*Action 2.3: Marine Invasive Species.* We support this recommendation but suggest the need to broadening it to incorporate another critical invasive issue, ballast water management, that the states have already made good progress toward addressing. The Plan could further advance and enhance these efforts by specifically identifying ballast water as meriting continued regional attention.

We also would recommend that the Plan encourage the testing or use of innovative tools or strategies, including those that have proven effective in land-based conservation, to enhance coastal habitat and marine biodiversity protection. These could include such tools as conservation purchase or leasing agreements and adaptive management plans.

### **Priority 3 - Promote the Effective Implementation of Ecosystem-based Management**

*Action 3.1: Share Lessons from Existing Community Based Ecosystem Projects.* We strongly support this recommendation and appreciate the Plan's focus on ecosystem-based management. The Conservancy would like to offer its assistance in these efforts through our program staff as well as through the ecosystem based management toolkit ([www.marineebm.org](http://www.marineebm.org)), which we recently released with partners. We also support the inclusion of these community-based ecosystem management projects in the Draft Action Plan, many of which are located in places where the Conservancy has projects. In California, that includes Elkhorn Slough/Salinas, Morro Bay, Ventura/Channel Islands, and Humboldt Bay. It would be very beneficial if the Plan could more explicitly describe what the EBM Network is, who the participants are, how it would function as a network, and the means by which it would share scientific and planning information. It would also be important to specify that nongovernmental entities would be key partners in the EBM network.

*Action 3.2: Assess and Establish Standards/Indicators for Ocean Health.* We also strongly support this recommendation. In particular we encourage the states to work with both the federal agencies and nongovernmental entities with science and planning expertise in the development of the Integrated Ecosystem Assessments proposed in the Action Plan. In particular, there is a need, already recognized in the Action Plan, to pull together a variety of information regarding the status and trends of our coastal waters and resources, much of which may not be within the states' grasp. We would urge you to consider making these IEAs "living" documents that are routinely updated so as to provide a snapshot of coastal and ocean health, including progress toward mitigating top priority threats. Such an effort involving water quality is contained in the annual federal "Coastal Condition Report" but does not extend to health of living resources, habitat, or human activities/uses. These IEAs, if they also include information on water quality, could provide such a platform and thereby help guide decisionmaking over time, as information sources become more robust. We would be pleased to work with you in this effort, based on our experience in developing ecoregional assessments.

*Action 3.3: Strengthen Coordination Among 3 States on Pacific Fishery Management Council.* We support this recommendation and note that such coordination has become evident already at the Council level. This positive progress can be built upon and more can be done at the Council and regional level to enhance partnerships with fishermen, communities, and managers that promote sustainable practices and community-based organization in furtherance of the goals of the revised Magnuson-Stevens Fishery Conservation and Management Act. For example, The Nature Conservancy partnered with fishermen and communities in Morro Bay/Port San Luis, as well as the state and other partners, to develop a community-based experiment, using 6 fishing permits the Conservancy purchased from local fishermen who participated in a process to identify offshore habitat closures. This experiment will help test the merits of a switching from trawl to non-trawl gear and pooling catch limits in the context of a community-based fishing association. This proposal, approved by the Council this month with the support of all three states, shows that partnerships among these disparate groups can result in tangible benefits to managers, fishermen, communities, and the environment.

#### **Priority 4 – Reduce Adverse Impacts of Offshore Development**

*Action 4.1: Offshore Oil and Gas Operations.* We support this recommendation, as development of offshore oil and gas is not consistent with the priorities of the Governor's Agreement and the development of alternatives to carbon-based energy.

*Action 4.2: Alternative Environmentally Sustainable Energy Development.* We support the Draft Plan's recommendation to develop a west-coast wide approach to siting decisions and to confer with FERC, DOE, and MMS to evaluate potential benefits and impacts of renewable ocean energy projects. However, we recommend that the Plan be made more explicit regarding how the states will evaluate benefits and impacts on both the environment and existing uses. In particular, the states should explicitly establish a policy that this new technology should be sited in areas that minimize the disturbance and damage to marine life and habitat and avoid or minimize impacts on existing uses such as fishing and boating, particularly safety and operational impacts. To that end, the Draft Plan should explicitly include NOAA, the U.S. Coast Guard and other marine resource and safety experts in the discussions with FERC, DOE, and MMS, to ensure such goals and impacts are fully considered by the states and the federal government. The governors may also want to consult with affected local communities prior making such decisions to evaluate whether siting and any resulting displacement would give rise to the need for local mitigation, such as payments from revenues currently provided under federal law for loss of fishing gear on offshore oil and gas structures.

We also support your recommendation to map existing uses and encourage you to work with NOAA and MMS, which are collaborating in the creation of a "multipurpose marine cadastre" to map existing federally-permitted activities on the Outer Continental Shelf in order to assist in alternative energy siting decisions, pursuant to the Energy Policy Act of 2005. It would be helpful to coordinate with this effort to ensure it meets regional as well as federal goals. We also would be pleased to provide you the Conservancy's completed ecoregional assessments and work with you to provide assistance in mapping locations of marine resources and existing uses.

#### **Priority 5 - Increase Ocean Awareness and Literacy Among Citizens**

We support Action items 5.1 and 5.2. Public understanding is necessary to support any major policy initiative on ocean health.

#### **Priority 6 – Expand Ocean and Coastal Scientific Information, Research, and Monitoring**

*Action 6.1: Regional Marine Research.* We support this recommendation, and encourage you work with Sea Grant to ensure the outreach process considers the needs of coastal decisionmakers and local constituents, including nongovernmental entities, and will generate usable products for such users. The scope of the research plan outlined in the Draft Action Plan appears to be fairly constrained and such input could provide feedback on whether other topics should be addressed. In addition, the research

plan's monitoring component should be designed to track changing threats to the marine environment, including marine life and habitat, so that this information could then be fed into the "living" IEAs being developed under the Draft Plan, and thus be translated back to policy decisions relevant to current or future ocean uses.

In addition, we support cooperative research on fishery, habitat, and the marine environment, particularly plans in California to consider funding a cooperative Fisheries Research Institute that could become regional in nature. The Conservancy's California program has embarked on a number of innovative fishing projects with fishermen, using permits and vessels purchased by the Conservancy in 2006, as well as vessel-based monitoring technology, and we would be pleased to partner in such an effort. In addition, a program based in California would benefit strongly from regional and federal collaboration with similar efforts in other states, so that it can draw on existing expertise from Washington and Oregon, including at Sea Grant, NOAA Fisheries, or other academic and industry experts.

*Action 6.2: Seafloor Mapping.* We very much support this recommendation for region-wide seafloor mapping and would like to offer you the Conservancy's assistance with methodologies, assessments, benchmarks and indicators that will help in the seafloor characterization effort. In addition, we would like to confirm that this information will also be used in the ongoing monitoring of beneficial changes to, or impairment of, marine life and habitat over time, so that such information can be used in policy decisionmaking. Finally, we encourage you to urge federal agencies to work with the three states to expand such mapping into adjacent federal waters.

### **Priority 7 – Foster sustainable economic development**


Action 7.1: Planning for Sustainable Fisheries & Coastal Dependent Businesses. We very strongly support this recommendation. As mentioned in our comments under Action Item 3.3, we have already undertaken partnership projects that will provide both community and resource benefits in the Morro Bay/Port San Luis area, but such projects may also benefit a number of fishing communities, including other areas along the Central Coast. The Morro Bay experiments we are undertaking will test whether a small California fishing community that has long depended on the groundfish resource will benefit by using more selective gear to catch lower volume and higher value seafood products and by coordinating operations in the context of a community-based fishing association. We believe that the implementation of these concepts in a broader area could result in greater economic and environmental sustainability for the fishery as well as provide stability for historically groundfish-dependent communities.

Action 7.2: Coastal Economics & Sustainable Coastal Development. We support this recommendation.

Action 7.3: Regional Sediment Management. We support this recommendation and note that the recently enacted Water Resources Development Act may incorporate many of the recommendations identified under this action item.

Thank you for the opportunity to provide comment on the Draft Action Plan. We are pleased to offer our assistance to the West Coast Governors' Agreement and look forward to a coordinated action plan to advance the key goals of the agreement.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Spring".

Margaret Spring  
Director  
California Coastal and Marine Program  
The Nature Conservancy

cc: Mike Chrisman, Chair, Ocean Protection Council  
Sam Schuchat, Executive Officer, State Coastal Conservancy  
Drew Bohan, Executive Policy Officer, Resources Agency